



The Colbert Consent Decree Implementation Your Right to Appeal

General Information

On December 20, 2011, the State of Illinois entered into a Consent Decree, settling the Colbert v. Quinn class action lawsuit, first filed in 2007. The Colbert Consent Decree requires the State to provide Cook County Nursing Home residents with the necessary supports and services to move out of Nursing Homes into community residency. To be eligible, you must live in a Nursing Home located in Cook County and be receiving or eligible to receive Medicaid. The information below will tell you about your rights as a Colbert Class Member.

Your Rights

Participation in the Colbert Consent Decree and the decision to move to the community is voluntary. You will not lose any of your rights for considering or deciding to move out of the Nursing Home. All of the rights you have in the Nursing Home will remain in place. You should tell a Care Coordinator or an Ombudsman if you feel that you are being pressured or subjected to retaliation in any form by the Nursing Home for considering a move or for moving out of the Nursing Home.

The information you share with the Care Coordination staff is protected by law. Care Coordination staff will only share information they are allowed to share under the law. If you have any questions, please ask your Care Coordination team.

You have the right to report any incidents of abuse, such as getting hurt or neglected. Care Coordinators are mandated reporters. This means they must make a report of abuse or neglect if you are being hurt (abused) or not being cared for (neglected) or if someone is taking your money without your permission (financial exploitation).

You also have the right to change your mind about leaving the Nursing Home and can decline to take part in an Evaluation. If you are not pleased with the outcome of your Evaluation or change your mind about participating in an Evaluation, you have the right to request an Evaluation or a re-Evaluation to be completed within 120 days of making the request.

Grievances and Appeals

You are encouraged to speak with a Care Coordinator to discuss any concerns or decisions about which you are unhappy. Often times, concerns can be resolved once a conversation with a Care Coordinator has taken place. If you are not satisfied with the outcome of your conversation, you may file a grievance with your Colbert Managed Care Organization.

Disagreements with decisions made related to the Colbert Consent Decree can be handled as a grievance by the Managed Care Organization. Your Care Coordinator will provide you with the information needed should you choose to file a grievance with your Colbert Managed Care Organization. You or a person authorized to represent you (such as a friend, family member or attorney) have the right to assist you with your grievance.

If your grievance is not resolved by your Managed Care Organization, you can file an appeal with the Illinois Department on Aging. An appeal is a written expression of dissatisfaction concerning a determination made by the Managed Care Organization as to your grievance regarding your evaluation, eligibility for, or approval of community based services, financial or housing assistance, or placement outside of the Nursing Home.

The appeal must be filed with the Illinois Department on Aging within sixty (60) calendar days from being notified by the Managed Care Organization of the outcome of your grievance. Written correspondence directed to the Illinois Department on Aging must include your name, address, and telephone number.

Once the appeal is received by the Department, a Department Form entitled, “Notice of Appeal to Department on Aging” will be mailed to you within two (2) business days from the date the Department receives it. The Department will conduct an informal review of your appeal.

If, upon informal review, your appeal is denied or you disagree with the Department’s decision, you may request an appeal hearing for decisions regarding your Evaluation, eligibility for, or approval of community based services, financial or housing assistance, or placement outside of the Nursing Home.

If the request for an appeal does not meet the criteria for consideration of an administrative appeal from the Department on Aging, you will be notified in writing within five (5) business days and , when appropriate, referred to the appropriate agency for resolution, such as the:

- Office of the Inspector General,
- Illinois Department of Public Health,
- Department of Human Services,
- Department of Human Services,
- Division of Mental Health,
- Department of Healthcare and Family Services or,
- Social Security Administration

An appeal hearing is a formal in-person hearing. An appeal hearing is conducted through the State’s Fair Hearing process by the Department of Healthcare and Family Services. You may designate a person to represent you for an appeal hearing (such as a friend, family member, or attorney). This person will become your Authorized Representative for the appeal hearing.

For more information on appeals, you may contact the Illinois Department on Aging by calling the Senior Help Line at 1-800-252-8966, send an email to AGING.ColbertDecree@illinois.gov or a letter addressed to the Colbert Consent Decree Team, Illinois Department on Aging, 160 N. LaSalle Street, 7th FL, Chicago, IL 60601-3103.

The Illinois Department on Aging, in partnership with the Departments of HealthCare and Family Services, Human Services, Public Health and the Illinois Housing Development Authority, are working to increase the use of home and community-based services for individuals who reside in nursing homes and are in need of long-term care.